

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEAN C. BOYD

PLAINTIFF

V.

CAUSE NO. 4:22-CV-00010-NBB-DAS

DEWAYNE COLLIER

DEFENDANT

ORDER DISMISSING CASE WITHOUT PREJUDICE

Plaintiff filed the instant civil rights action challenging the conditions of his confinement pursuant to 42 U.S.C. § 1983. Doc. # 1. A Clerk's Entry of Default was entered as to Defendant Dewayne Collier on April 12, 2022. Doc. # 21, *see also* Doc. # 22 (Order granting in part and denying in part plaintiff's motion for clerk's entry of default).¹ For almost five months, Plaintiff took no action to prosecute his case against Defendant Collier. Consequently, on August 29, 2022, the Court entered an Order directing Plaintiff to show cause why his case should not be involuntarily dismissed as provided by Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See* Doc. # 47. Plaintiff filed a response on September 7, 2022, *see* Doc. # 49, indicating an intent to take action, but to date still has not prosecuted this case. As such, the Court finds that this case should be **DISMISSED without prejudice** under Rule 41(b) for failure to prosecute and obey an order of the court.

SO ORDERED, this the 13th day of December, 2022.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE

¹ The other named defendant, Reginald Booker, was voluntarily dismissed on June 27, 2022. Doc. # 45.